

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

CIVIL CASE NO. 2:04CV276

PRUDENTIAL COMMERCIAL)	
REAL ESTATE, <i>et. al.</i>,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
V. C. SMITH REAL ESTATE, INC.,)	
<i>et. al.</i>,)	
)	
Defendants.)	
_____)	

ORDER

THIS MATTER is before the Court *sua sponte*.

On June 10, 2005, the undersigned required that on or before 14 days from entry of the Order, Plaintiffs' counsel should respond to jurisdictional issue raised by the undersigned.

Order, filed June 10, 2005, at 6. After that Order issued, Plaintiffs' counsel telephoned the Chambers of the undersigned to inquire as to the appropriate means of responding. Counsel was advised by a law clerk for the undersigned that a motion to amend the complaint would be an appropriate procedure. It is now over one month later and counsel still has not resolved this issue. Counsel is hereby placed on notice that failure to respond to the jurisdictional issues will result in the dismissal without prejudice of this action.

IT IS, THEREFORE, ORDERED that on or before 14 days from entry of this Order, Plaintiffs' counsel shall respond to the jurisdictional issues raised in the Order of June 10, 2005. Failure to do so will result in the dismissal without prejudice of this action.

Signed: July 12, 2005

A handwritten signature in dark ink, appearing to read "Lacy H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

